IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

WP(C).No. 26708 of 2007(D)

PETITIONERS:

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1. B.SATHEE DEVI,KUMBALAPPALLIYIL,
THEKKTHUKAVLA, PONKUNNA.

2. L.BALAKRISHNAN NAIR
PUTHUKKATTU THAZHE, PONKUNNAM.

BY ADV. SRI.LIJI.J.VADAKEDOM

RESPONDENTS:

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1. THE PONKUNNAM SERVICE CO-OP.BANK LTD.,
REPRESENTED BY ITS SECRETARY,PONKUNNAM
SERVICE CO-OP. BANK GROUP, PONKUNAM
SERVICE C-OP. BANK LTD.,PONKUNAM .

2. SPECIAL SALE OFFICER,
PONKUNNAM SERVICE CO-OP.BANK GROUP
PONKUNNAM SERVICE C-OP. BANK LTD.,PONKUNAM P.O.

BY ADV. SRI.SHAJI THOMAS PORKKATTIL
SRI.T.V.VINU
R2 BY GOVERNMENT PLEADER (SHRI P.K. RAVIKRISHNAN)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/10/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C). NO. 26708 OF 2007 D

PETITIONERS' EXHIBITS:

EXT.P1 TRUE COPY OF THE SALE NOTICE DATED 18.7.2007 IN AWARD NO.5389/99.

EXT.P2 TRUE COPY OF THE SALE NOTICE DATED 18.7.2007 IN AWARD NO.5390/99.

EXT.P3 TRUE COPY OF THE RECEIPTS DATED 20.3.2007 FOR RS.20,000/= ISSUED TO THE PETITIONER.

RESPONDENTS' EXHIBITS:

EXT.R1(A) TRUE PHOTO COPY OF THE APPLICATION DATED 4.1.2001 SUBMITTED BY THE 2ND PETITIONER ON BEHALF OF THE FIRST PETITIONER.

// TRUE COPY//

PS TO JUDGE

K. M. JOSEPH, J.

W.P.C. NO. 26708 OF 2007 D

Dated this the 3rd October, 2007

JUDGMENT

Petitioners have approached this Court challenging the recovery steps taken as per Exts.P1 and P2 for recovery of amounts due on loans taken by the petitioners. There is a further prayer to allow the debts to be paid in twenty equal months. A further direction is sought to give the petitioners a copy of the Statement of Accounts. Learned counsel for the petitioners submits that the respondent Bank may consider the question as to whether the petitioners are entitled to the benefit of Circular No.30/07 and the respondent Bank may be directed to give them the benefit of the same, if they are entitled to the same.

2. I heard the learned counsel appearing for the respondent Bank also. The Writ Petition is disposed of as follows:

Petitioners are permitted to pay off the amounts remaining to be paid with due interest in seven equal monthly instalments. If the second petitioner files a representation before the first

respondent Bank within a period of ten days from today claiming the benefit of Circular No.30/07, the first respondent Bank will take a decision thereon and communicate the same to the second petitioner within two weeks from the date of receipt of the representation. In the decision to be communicated to the second petitioner, the first respondent will indicate the exact amounts to be paid by the petitioners with interest, and also the exact amounts of instalments to be paid by the petitioners on the basis that the amounts are to be repaid with interest in seven equal monthly instalments. The first instalments shall be paid by the petitioners on or before 5.11.2007 and the remaining instalments on or before the 5th day of every succeeding month. If any of the instalments are not paid by the petitioners, they will not be entitled to the benefit of this Judgment and it will be open to the respondent Bank to proceed against them in accordance with law.

K. M. JOSEPH, JUDGE

kbk.